

Order of Business; Special Orders

A. GENERAL PRINCIPLES

§ 1. Order Fixed by Rule and Precedent; Scheduling Business

The order of business in the House is governed, first, by the provisions of Rule XXIV, which prescribes the daily order of business, including the approval of the Journal, business on the Speaker's table, unfinished business, the morning hour call of committees (no longer in use), private business, and District of Columbia business.⁽¹⁾ The motion to suspend the rules on certain days is made in order by Rule XXVII,⁽²⁾ and the Consent and Discharge Calendars are provided for by Rule XIII.⁽³⁾

1. *House Rules and Manual* §§ 878–899 (1979).

2. *House Rules and Manual* §§ 902–907 (1979).

3. *House Rules and Manual* §§ 746, 747 (1979).

For corresponding treatment of earlier precedents, see 4 Hinds' Precedents §§ 3056 et seq. (the order of business), §§ 3152 et seq. (special orders), §§ 3266 et seq. (private and District of Columbia business); 5 Hinds' Precedents §§ 6790 et seq. (suspension of the rules); 6 Cannon's

The order of business may be interrupted for business privileged under the rules and practices of the House.⁽⁴⁾ In addition, the regular order of business, including the relative precedence of privileged questions, may be varied by three methods: unanimous-consent requests, motions to suspend the rules, and resolutions reported from the Committee on Rules that pertain to the order of business.

The Chair may refuse to recognize for unanimous-consent requests and motions to suspend the rules, and holds the power of recognition at all times. Thus the order of business may be subject to the Chair's power of recognition. The Speaker of the House, and the Members who with him

Precedents §§ 708 et seq. (order of business); 7 Cannon's Precedents §§ 758 et seq. (special orders), §§ 846 et seq. (private and District of Columbia business), §§ 881 et seq. (Calendar Wednesday), §§ 972 et seq. (Consent Calendar), §§ 1007 et seq. (calendar of motions to discharge a committee); 8 Cannon's Precedents §§ 3397 et seq. (suspension of the rules).

4. See §§ 28–31, *infra*.

constitute the leadership of the House, have the duty of scheduling the business of the House, in concert with the leadership of each standing committee thereof.⁽⁵⁾

Finally, the order of business in the House is always subject to the will of the majority of the House, who may refuse to consider most matters brought before it, or may change the order of business or create a new order of business.⁽⁶⁾

Cross References

Assembly of Congress (for discussion of the order of business at the convening of the House), Ch. 1, *supra*.

Officers and staff (for discussion of the Speaker and his authority), Ch. 6, *supra*.

Privilege (for discussion of questions of privilege and their precedence over the

regular order of business), Ch. 11, *supra*.

Committees (for discussion of the order of business in committees), Ch. 17, *supra*.

Discharging Measures From Committees. Ch. 18, *supra*.

Calendars, Ch. 22, *infra*.

Motions and Requests, Ch. 23, *infra*.

Consideration and Debate, Ch. 29 *infra*.

Role of Speaker and Leadership Scheduling Legislation

§ 1.1 The legislative schedule or program for the House is announced to the Members by the Majority Leader or Whip, or in their absence may be announced by the Speaker himself.

On May 21, 1964,⁽⁷⁾ after the disposition of legislative business on the last legislative day of the week, Speaker John W. McCormack, of Massachusetts, took the floor, in the absence of both the Majority Leader and Majority Whip, to announce the program for the following week:

MR. [JAMES] HARVEY of Michigan: Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

THE SPEAKER: Is there objection to the request of the gentleman from Michigan?

5. See §§ 1.1–1.6 and 1.14–1.19, 1.22, 1.23, *infra*. For recognition for the motion to suspend the rules, see § 11, *infra*. For the Chair's power of recognition in general, see Ch. 29, *infra*. And for discussion of the functions and duties of the Speaker, see Ch. 6, *supra*.
6. See §§ 1.19–1.21, *infra*. The question of consideration, and situations where the question of consideration is not in order, are discussed in § 30, *infra*. For changing the order of business, see those sections of this chapter concerned with varying the order of business by unanimous consent (§ 8, *infra*), with motions to suspend the rules, and with special orders from the Committee on Rules.

7. 110 CONG. REC. 11690, 88th Cong. 2d Sess.

There was no objection.

MR. HARVEY of Michigan: Mr. Speaker, I have asked for this time in order to inquire of the distinguished acting majority leader if he will inform us of the schedule for the balance of this week and for next week.

MR. MCCORMACK: The program for next week is as follows:

Monday is District Day, but there are no bills. We will consider H.R. 10041—hospital and medical facilities amendments of 1964. This has an open rule and provides 3 hours of general debate. . . .

On Wednesday H.R. 5130, increase in federal deposit and savings insurance. This has an open rule and provides 2 hours of general debate.

On the same day there are eight unanimous-consent bills from the Committee on Ways and Means, as follows:

H.R. 4198, free importation of instant coffee. . . .

On Thursday and the balance of the week the program is as follows:

On Thursday, at 12:30 p.m., the House and Senate will receive in joint meeting the President of Ireland, His Excellency, Eamon de Valera.

The usual reservation is made that conference reports may be brought up at any time and any further program will be announced later.

Parliamentarian's Note: The announcement of the legislative schedule for the following week is normally made by the Majority Leader or Majority Whip following the legislative program for the week. If the announcement is made on Thursday or Friday, with

intent to adjourn until Monday, the unanimous-consent request (or motion, if the request is objected to) is made to adjourn over until Monday next. Also at that time, the unanimous-consent request is made to dispense with Calendar Wednesday business on the following Wednesday.

§ 1.2 The Speaker made a statement from the Chair regarding the scheduling of legislation.

On Aug. 16, 1962,⁽⁸⁾ Speaker John W. McCormack, of Massachusetts, made a statement from the chair pending a motion that the House resolve itself into the Committee of the Whole for the consideration of the public works appropriation bill:

THE SPEAKER: The Chair would like the attention of the gentleman from Michigan [Mr. Ford]. The Chair desires to state that a number of Members have spoken to me as Speaker about the problems that confront them, which problems I thoroughly appreciate. In my years of experience as majority leader I always bore these problems in mind. But this situation did not develop until within 24 hours where arrangements could be made for next week. There are problems of the leadership, and there are problems of all the Members.

The Chair felt if this bill could be brought up today, and these other

8. 108 CONG. REC. 16730, 16731, 87th Cong. 2d Sess.

three bills, we could adjourn over today until Monday of next week, and from Monday of next week to Thursday of next week, and from Thursday of next week to the following Monday. The Chair takes complete responsibility, the responsibility, as the Chair felt, being in the interest of the Members of the House that consideration could be given at this time because later on the Chair could see where there would be extreme difficulty and next week afforded an excellent opportunity. These decisions are made rather quickly because we just do not know what problems might arise. As a matter of fact, the Chair did not definitely make the decision until this morning, although the Chair had pretty well formulated it in the mind of the Chair yesterday afternoon and last evening.

§ 1.3 The Speaker advised Members that he was amenable to recognizing for unanimous-consent requests to call up bills requiring disposition before adjournment, providing that such measures were carefully screened by the leadership on both sides of the aisle,

On Aug. 17, 1964,⁽⁹⁾ the House agreed to a unanimous-consent request giving the Speaker the authority to recognize for motions to suspend the rules and pass certain bills on a date to be agreed upon by himself, and the Majority

and Minority Leaders. Speaker John W. McCormack, of Massachusetts, then made the following statement:

The Chair will state that if arrangements can be worked out on this or any other bill, through a unanimous-consent request, where the matter has been carefully screened, the Chair will be glad to recognize for that purpose. That does not mean today. It means sometime this week, if it is carefully screened through the leadership. Members are protected in the knowledge that the screening has taken place.

§ 1.4 Members desiring to ask unanimous consent for the consideration of bills should first consult the Speaker and Majority and Minority Leaders, and in the absence of such consultation the Speaker may decline to recognize for such requests.

On July 11, 1946,⁽¹⁰⁾ Mrs. Clare Boothe Luce, of Connecticut, sought recognition for a unanimous-consent request for the immediate consideration of a bill. Speaker Sam Rayburn, of Texas, declined recognition for that purpose:

THE SPEAKER: Did the gentlewoman consult the Speaker about this and notify him that she was going to make this request?

9. 110 CONG. REC. 19944, 88th Cong. 2d Sess.

10. 92 CONG. REC. 8726, 79th Cong. 2d Sess.

MRS. LUCE: I did not, Mr. Speaker.

THE SPEAKER: The Chair refuses to recognize the gentlewoman for that purpose.

Later in the proceedings, Mr. John Phillips, of California, commented in debate on the failure of the same bill to be brought up for consideration. The Speaker stated as follows in response:

The time of the gentleman from California has expired.

The Chair desires to make a statement. For a long time, ever since 1937 at least, the present occupant of the chair knows that when Members intend to ask unanimous consent to bring up a bill they have always properly consulted with both the majority and minority leaders of the House and with the Speaker. That has been the unailing custom. The Chair is exercising that right and intends to continue to exercise it as long as he occupies the present position because the Chair wants the House to proceed in an orderly fashion.

MRS. LUCK: Mr. Speaker, may I now ask unanimous consent to bring up the bill tomorrow?

THE SPEAKER: The Chair will meet that question when the time comes.

The Chair would certainly like the courtesy of being consulted in advance.¹¹

§ 1.5 Upon concluding a recess, called by the Speaker pending receipt of an engrossed bill while a House resolution

was pending before the House, the Speaker announced the unfinished business to be the reading of the engrossed copy of the bill, the Food Stamp Act of 1964.

On Apr. 8, 1964,⁽¹²⁾ Speaker John W. McCormack, of Massachusetts, put the question on the engrossment and third reading of H.R. 10222, the Food Stamp Act of 1964, and Mr. Charles S. Gubser, of California, demanded the reading of the engrossed copy, which was not yet prepared. The House then proceeded to the consideration of House Resolution 665, dealing with certain Senate amendments to a House bill. Pending such consideration, the Speaker declared a recess subject to the call of the Chair (pursuant to such authority granted the Speaker for any time during that day), pending the receipt of the engrossed copy of H.R. 10222.

The recess having expired, the Speaker called the House to order and stated that the unfinished business was the reading of the engrossed copy of H.R. 10222, which he directed the Clerk to read. When Mr. Oliver P. Bolton, of Ohio, propounded a parliamentary inquiry regarding the status of House Resolution 665 as the

11. *Id.* at p. 8728.

12. 110 CONG. REC. 7302-04, 88th Cong. 2d Sess.

unfinished business properly before the House, the Speaker recognized Mr. Richard Bolling, of Missouri, to withdraw House Resolution 665, thereby terminating the reason for the inquiry.

Parliamentarian's Note: This precedent predated the 1965 revision to the rules eliminating the right of any Member to demand the reading of the engrossed bill (see §§ 3.31–3.33, *infra*).

§ 1.6 The death of a sitting Member of the House was announced to the House, which then proceeded with scheduled business before adjourning out of respect.

On May 4, 1970,⁽¹³⁾ Mr. John S. Monagan, of Connecticut, announced to the House, following the offering of prayer and the approval of the Journal, the death of a sitting Member of the House, William L. St. Onge, of Connecticut. Before adjourning out of respect, the House conducted its scheduled business, the consideration of a conference report and the consideration of the Consent Calendar.

Parliamentarian's Note: On many occasions, the House adjourns out of respect to a deceased Member without conducting

scheduled legislative business. On this occasion, there existed a full legislative schedule for the week and the leadership, after consultation with the deceased's family, determined to proceed with business.

Order May Be Subject to Chair's Recognition

§ 1.7 In response to a parliamentary inquiry, the Speaker stated that where matters of equal privilege are pending, the order of their consideration is subject to the Speaker's recognition.

On Sept. 22, 1966,⁽¹⁴⁾ Speaker John W. McCormack, of Massachusetts, made the following statement on recognition, in response to a parliamentary inquiry related to the order of business:

. . . Of course, the question of recognition is with the Chair, where there are two similar preferential matters, but the gentleman's understanding is correct that after 7 legislative days a member of the Rules Committee could call it up.

If it were a question of recognition, if the same preferential status existed at the same time, recognition rests with I the Chair.

§ 1.8 If a resolution providing a special order of business is

13. 116 CONG. REC. 13987–14043, 91st Cong. 2d Sess.

14. 112 CONG. REC. 23691, 89th Cong. 2d Sess.

not called up for consideration by the Member reporting the resolution from the Committee on Rules within seven days, any member of the committee may call it up for consideration as a privileged matter, for which purpose the Speaker would be obliged to recognize such Member, unless a matter of equal or higher privilege was pending. In the latter case, the order of consideration would be determined by the Speaker's recognition.

On Sept. 22, 1966,⁽¹⁵⁾ Speaker John W. McCormack, of Massachusetts, answered a parliamentary inquiry on the order of business:

MR. [WILLIAM M.] COLMER [of Mississippi]: Mr. Speaker, a parliamentary inquiry.

Under the rules of the House, as I understand them, this rule, House Resolution 1007, to bring up the so-called House Un-American Activities Committee bill, is a privileged matter, and if it is not programed, then the gentleman handling the rule or any member of the Rules Committee, may call it up as a privileged matter. Is my understanding correct about that?

THE SPEAKER: The gentleman's understanding is correct. Of course, the question of recognition is with the

Chair, where there are two similar preferential matters, but the gentleman's understanding is correct that after 7 legislative days a member of the Rules Committee could call it up.

If it were a question of recognition, if the same preferential status existed at the same time, recognition rests with the Chair.

MR. COLMER: I thank the Speaker for his ruling.

Mr. Speaker, in view of that, if the gentleman will continue to yield to me, I should like to serve notice now on the majority leadership that if this resolution is not programed at a reasonably early date, I shall exercise that privilege as the one who is designated to handle this rule.

MR. [HALE] BOGGS [of Louisiana]: Mr. Speaker, I should like to announce further that the program for next week will be announced later in the day.

§ 1.9 While the call of the Consent Calendar is, under Rule XIII clause 4, mandatory on the first and third Mondays of the month immediately after the approval of the Journal, the Speaker may recognize a Member to call up a conference report under Rule XXVIII clause 1, before directing the Clerk to call the Consent Calendar.

On May 4, 1970,⁽¹⁶⁾ which was Consent Calendar day under Rule XIII clause 4, requiring that the

15. 112 CONG. REC. 23691, 89th Cong. 2d Sess.

16. 116 CONG. REC. 14021-33, 91st Cong. 2d Sess.

Consent Calendar be called immediately after the approval of the Journal, Speaker John W. McCormack, of Massachusetts, recognized Mr. Carl D. Perkins, of Kentucky, to call up a conference report on H.R. 515 (to amend the National School Lunch Act and Child Nutrition Act), as a privileged matter under Rule XXVIII clause 1, before directing the call of the Consent Calendar.

§ 1.10 On a District Day, the Speaker recognized a member of the Committee on Rules to call up a privileged resolution relating to the order of business, and later recognized the chairman of another committee to call up the business made in order thereby, prior to recognizing the Chairman of the Committee on the District of Columbia to call up District business under Rule XXIV clause 8.

On Sept. 24, 1962,⁽¹⁷⁾ which was District of Columbia Day under Rule XXIV clause 8, Speaker John W. McCormack, of Massachusetts, first recognized Mr. William M. Colmer, of Mississippi, to call up by direction of the Committee on Rules, House Resolution 804,

17. 108 CONG. REC. 20489-94, 87th Cong. 2d Sess.

making in order and providing for the consideration of Senate Joint Resolution 224, authorizing the President to call up armed forces reservists. The House having agreed to the resolution, the Speaker recognized Carl Vinson, of Georgia, Chairman of the Committee on Armed Services and manager of the joint resolution, to move that the House resolve itself into the Committee of the Whole for the consideration of the joint resolution, which was after debate agreed to by the House.

The Speaker then stated that it was District of Columbia Day and recognized Chairman John L. McMillan, of South Carolina, of the Committee on the District of Columbia for District business.⁽¹⁸⁾

§ 1.11 When a Member seeks recognition to call up District of Columbia business on the fourth Monday (privileged under Rule XXIV clause 8) and another Member seeks recognition to move to suspend the rules and agree to a Senate joint resolution amending the Constitution (privileged pursuant to a unanimous-consent agreement making it in order on the fourth Monday for the Speaker to recognize

18. *Id.* at p. 20521.

Members to move suspension and passage of bills), it is within the discretion of the Speaker as to which of the two Members he shall recognize.

On Aug. 27, 1962,⁽¹⁹⁾ which was the fourth Monday of the month and therefore a day eligible for District of Columbia business, under Rule XXIV clause 8, Speaker John W. McCormack, of Massachusetts, recognized Mr. Emanuel Celler, of New York, to move to suspend the rules and pass a joint resolution (to amend the Constitution to prohibit the use of a poll tax as a qualification for voting) pursuant to a previous unanimous-consent request making in order on that day motions to suspend the rules. The Speaker overruled a point of order against prior recognition for the motion to suspend the rules:

MR. CELLER: Mr. Speaker, I move to suspend the rules and pass Senate Joint Resolution 29, proposing an amendment to the Constitution of the United States relating to qualifications of electors.

MR. [THOMAS G.] ABERNETHY [of Mississippi]: Mr. Speaker, a point of order.

THE SPEAKER: The gentleman will state his point of order.

MR. ABERNETHY: Mr. Speaker, I make the point of order that this is

District Day, that there are District bills on the calendar, and as a member of the Committee on the District of Columbia I respectfully demand recognition so that these bills may be considered.

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, may I be heard on the point of order?

The Speaker: The Chair is prepared to rule, but the gentleman may be heard.

MR. ALBERT: Mr. Speaker, by unanimous consent, suspensions were transferred to this day, and under the rules the Speaker has power of recognition at his own discretion.

MR. ABERNETHY: Mr. Speaker, I respectfully call the attention of the chairman to clause 8, rule XXIV, page 432 of the House Manual. . . .

Mr. Speaker, I submit that rule is clear that when the time is claimed and the opportunity is claimed the Chair shall permit those bills to be considered.

Therefore, Mr. Speaker, I respectfully submit my point of order is well taken, and that I should be permitted to call up bills which are now pending on the calendar from the Committee on the District of Columbia.

MR. [HOWARD W.] SMITH of Virginia: Mr. Speaker, I should like to be heard on the point of order.

THE SPEAKER: The Chair will hear the gentleman.

MR. SMITH of Virginia: Mr. Speaker, the rules of the House on some things are very clear, and the rules of the House either mean something or they do not mean anything.

Mr. Speaker, the gentleman from Mississippi [Mr. Abernethy], has just

19. 108 CONG. REC. 17654-60, 87th Cong. 2d Sess.

called to the Chair's attention clause 8 of rule XXIV. Nothing could be clearer; nothing could be more mandatory. I want to repeat it because I hope the Chair will not fall into an error on this proposition:

The second and fourth Mondays in each month, after the disposition of motions to discharge committees and after the disposal of such business on the Speaker's table as requires reference only—

And that is all; that is all that you can consider-disposition of motions to discharge committees—

and after the disposal of such business on the Speaker's table as requires reference only—

That is all that the Chair is permitted to consider.

Mr. Speaker, after that is done the day—

shall when claimed by the Committee on the District of Columbia, be set apart for the consideration of such business as may be presented by said committee.

Mr. Speaker, I know that the majority leader bases his defense upon the theory that the House having given unanimous consent to hear suspensions on this Monday instead of last Monday when they should have been heard—and I doubt if very many Members were here when that consent order was made and I am quite sure that a great number of them had no notice that it was going to be made, and certainly I did not—now the majority leader undertakes to say that having gotten unanimous consent to consider this motion on this day to suspend the rules, therefore, it gives the Speaker carte blanche authority to do

away with the rule which gives first consideration to District of Columbia matters. Mr. Speaker, there was no waiver of the rule on the District of Columbia. That consent did not dispose or dispense with the business on the District of Columbia day. The rule is completely mandatory. The rule says that on the second and fourth Mondays, if the District of Columbia claims the time, that the Speaker shall recognize them for such dispositions as they desire to call.

THE SPEAKER: The Chair is prepared to rule.

Several days ago on August 14 unanimous consent was obtained to transfer the consideration of business under suspension of the rules on Monday last until today. That does not prohibit the consideration of a privileged motion and a motion to suspend the rules today is a privileged motion. The matter is within the discretion of the Chair as to the matter of recognition.

§ 1.12 On one occasion the Speaker, having recognized one Member to propound a parliamentary inquiry regarding the status of a resolution as “unfinished business,” then recognized the Member who had offered the resolution to withdraw it, thus eliminating the reason for the inquiry.

On Apr. 8, 1964, a demand was made for the reading of the engrossed copy of a bill where the engrossment was not yet prepared. The bill was laid aside and

the House proceeded to consider a resolution (concurring in a Senate amendment to a House bill). Prior to the disposition of that resolution, Speaker John W. McCormack, of Massachusetts, declared a recess pursuant to authority previously granted.

At the conclusion of the recess, the Speaker stated the unfinished business to be the reading of the engrossed copy of the bill on which the demand had been made. A parliamentary inquiry with respect to the order of business was then raised by Mr. Oliver P. Bolton, of Ohio. The ensuing proceedings, during which the Speaker asserted his right of recognition to permit a Member to withdraw the resolution, are discussed fully in the next precedent.⁽²⁰⁾

§ 1.13 The power of recognition rests with the Chair and is subject to his discretion.

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grossed copy of a bill where the engrossment was not yet prepared. The bill was laid aside and the House proceeded to consider a resolution (concurring in Senate amendments to a House bill). Prior to the disposition of that resolution, Speaker John W. McCormack, of Massachusetts, declared a recess pursuant to authority previously granted.

At the conclusion of the recess, the Speaker stated the unfinished business to be the reading of the engrossed copy of the bill on which the demand had been made. The following inquiry and its disposition then ensued:

THE SPEAKER: The unfinished business is the reading of the engrossed copy of H.R. 10222.

The Clerk will read the engrossed copy.

MR. OLIVER P. BOLTON [of Ohio]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. OLIVER P. BOLTON: Mr. Speaker, when the recess was called, it is my understanding that we were engaged in the consideration of what is referred to as a cotton and wheat bill. Is it not the rule of the House that we must finish the consideration of that measure before we take up any other measure which has been passed over for parliamentary and mechanical reasons?

MR. [RICHARD] BOLLING [of Missouri]: Mr. Speaker——

THE SPEAKER: The gentleman from Missouri [Mr. Bolling].

20. § 1.13, *infra*.

MR. BOLLING: Mr. Speaker, under the rules I withdraw House Resolution 66a.

MR. OLIVER P. BOLTON: Mr. Speaker, a parliamentary inquiry.

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, that takes unanimous consent, and I object.

THE SPEAKER: The Chair will state that it does not take unanimous consent to withdraw the resolution in the House.

MR. OLIVER P. BOLTON: Mr. Speaker, it is my understanding that the Speaker was addressing the Member now addressing the Chair and had not given an answer to my question. Therefore, the recognition of the Member from the other side the gentleman from Missouri [Mr. Bolling] was out of order. Am I incorrect?

THE SPEAKER: The recognition of the gentleman from Missouri [Mr. Bolling] terminated the parliamentary inquiry.

MR. OLIVER P. BOLTON: In other words, the Speaker did not answer the parliamentary inquiry; is that correct?

THE SPEAKER: Since the resolution was withdrawn, the parliamentary inquiry was ended.

MR. OLIVER P. BOLTON: If the Speaker will respectfully permit, the gentleman from Ohio would suggest that the question had been asked before the resolution had been withdrawn.

THE SPEAKER: The Chair will state that the Chair has the power of recognition. Now that the resolution has been withdrawn, the unfinished business is the reading of the engrossed copy of H.R. 10222.

MR. OLIVER P. BOLTON: Mr. Speaker, a further parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. OLIVER P. BOLTON: The Speaker had recognized the gentleman from Ohio for a parliamentary inquiry. The parliamentary inquiry had been made. The parliamentary inquiry had not been answered and yet the Chair recognized the gentleman from Missouri.

THE SPEAKER: Which the Chair has the power to do.

The Clerk will read the engrossed copy of H.R. 10222.

MR. OLIVER P. BOLTON: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. OLIVER P. BOLTON: Mr. Speaker, may I inquire whether the parliamentary inquiry which I addressed to the Chair is now not to be answered, because of the action of the gentleman from Missouri?

THE SPEAKER: The gentleman will repeat his parliamentary inquiry.

MR. OLIVER P. BOLTON: Mr. Speaker, my parliamentary inquiry was to the effect that inasmuch as the House was engaged at the business before it at the time the Speaker called the recess, whether the rules of the House did not call for the conclusion of that business before other business which had been postponed by the House under the rules of the House and in accordance with the procedures of the House did not have to follow consideration of any business that was before the House at the time of the calling of the recess?

THE SPEAKER: The Chair will state that the gentleman from Missouri withdrew his resolution. If he had not withdrawn the resolution the situation might have been different.

The Chair has made a ruling that the unfinished business is the reading

of the engrossed copy of H.R. 10222. That is the unfinished business.⁽¹⁾

Chair May Decline Recognition for Unanimous-consent Requests

§ 1.14 The Speaker discussed the practice of recognizing Members for unanimous-consent requests for the consideration of bills.

On July 1, 1932,⁽²⁾ Speaker John N. Garner, of Texas, made a statement relative to recognition for certain unanimous-consent requests:

MR. [WILLIAM A.] PITTENGER [of Minnesota]: Mr. Speaker, I had planned to ask unanimous consent for the consideration of a measure, but the watchdog of the Treasury from Milwaukee has asked me to wait until after 6 o'clock, so I can not make the request.

THE SPEAKER: In order that gentlemen may understand the situation, let the Chair state how it is the Chair recognizes certain gentlemen. The Chair must decline to recognize a great many gentlemen who have meritorious matters, because the Chair must have some yardstick that can be applied to every Member of the House. The gentleman from Minnesota [Mr. Pittenger] had a bill that had passed the House unanimously, had gone to the Senate, and had an amendment placed on it

there, adding one name. The Chair thinks in a case of that kind, where unanimous consent has to be given, it is well enough for the Chair to recognize the Member for that purpose; but the Chair will not recognize gentlemen to take up as an original proposition private claims or other matters unless they are of an emergency nature and apply to the general public rather than to one individual.

§ 1.15 The Speaker declined to recognize a Member to request unanimous consent to make an omnibus private bill eligible for consideration during a call of the Private Calendar on a specific day, when the House had previously agreed by unanimous con" sent that it be passed over.

On July 15, 1968,⁽³⁾ Speaker John W. McCormack, of Massachusetts, declined to recognize Mr. William L. Hungate, of Missouri, to make the unanimous-consent request that the first omnibus private bill of 1968 (H.R. 16187) be placed on the Private Calendar for July 16. The House had previously agreed, on July 12, 1968, to the unanimous consent request of Majority Leader Carl Albert, of Oklahoma, that the bill be passed over and not considered during the call of the Private Calendar on July 16.⁽⁴⁾

1. 110 CONG. REC. 7302-04, 88th Cong. 2d Sess.

2. 75 CONG. REC. 14511, 72d Cong. 1st Sess.

3. 114 CONG. REC. 21326, 90th Cong. 2d Sess.

4. *Id.* at p. 20998.

§ 1.16 The Speaker declines to recognize Members for unanimous consent requests that bills stricken from the Private Calendar be restored thereto until they have consulted with the official objectors.

On Apr. 12, 1948,⁽⁵⁾ Mr. Thomas J. Lane, of Massachusetts, asked unanimous consent that a bill previously stricken from the Private Calendar be restored thereto. Speaker Joseph W. Martin, Jr., of Massachusetts, inquired whether he had consulted with the official objectors. Mr. Lane responded that he had not, and the Speaker responded that "The Chair cannot entertain the gentleman's request until he has done so."

§ 1.17 The Chair refuses to recognize Members after the absence of a quorum has been announced by the Chair, and no business is in order until a quorum has been established.

On June 8, 1960,⁽⁶⁾ Mr. Clare E. Hoffman, of Michigan, made the point of order that a quorum was not present. Speaker Sam Rayburn, of Texas, counted and an-

nounced the absence of a quorum, and a call of the House was ordered. The Speaker declined to recognize Mr. Hoffman, who addressed the Chair seeking recognition after the Chair's announcement and after the call of the House was ordered.

§ 1.18 The Chair declined to recognize Members for extensions of remarks and one-minute speeches before proceeding with unfinished business.

On Oct. 19, 1966,⁽⁷⁾ Speaker John W. McCormack, of Massachusetts, announced, following the approval of the Journal and the receipt of messages from the President, that the Chair would receive unanimous-consent requests after the "disposition of pending business." The pending business was unfinished business from the prior day, the vote on agreeing to a resolution.

House May Determine Order of Consideration

§ 1.19 Where two propositions of equal privilege are pending, it is for the Chair to determine whom he will recognize to call up one of the

5. 94 CONG. REC. 4573, 80th Cong. 2d Sess.

6. 106 CONG. REC. 12142, 86th Cong. 2d Sess.

7. 112 CONG. REC. 27640, 27641, 89th Cong. 2d Sess.

propositions, but the House may by unanimous consent determine such precedence.

On Sept. 11, 1945,⁽⁸⁾ Speaker Sam Rayburn, of Texas, entertained a unanimous-consent request relating to the order of business and responded to a parliamentary inquiry as to its effect:

THE SPEAKER: The Chair recognizes the gentleman from North Carolina.

MR. [ALFRED L.] BULWINKLE [of North Carolina]: Mr. Speaker, I ask unanimous consent that it may be in order on tomorrow, immediately after the meeting of the House for business, to consider the bill (H.R. 3974) to repeal war time; that general debate be limited to 1 hour, to be equally divided and controlled by the gentleman from Oklahoma [Mr. Boren], chairman of the subcommittee, and the gentleman from Massachusetts [Mr. Holmes].

MR. [JOSEPH W.] MARTIN [Jr.] of Massachusetts: Mr. Speaker, reserving the right to object, and I shall not because I want to congratulate the committee on bringing in the legislation at this early date, as I understand it, that will be the first order of business tomorrow?

MR. BULWINKLE: Yes; that is my understanding.

MR. [ROBERT F.] RICH [of Pennsylvania]: Mr. Speaker, reserving the right to object, I was under the impression that H.R. 3660 was to be the next order of business.

THE SPEAKER: That is a question for the Chair, as to whether the Chair will

recognize the gentleman from Illinois to call up the rule or recognize the gentleman from Oklahoma to call up the bill repealing war time. The request being made at this time is for the war time repeal bill to take precedence.

§ 1.20 The question as to when the House will consider a bill unfinished on a previous day is always within the control of a majority of the House.

On Apr. 26, 1948,⁽⁹⁾ Speaker Joseph W. Martin, Jr., of Massachusetts, answered a parliamentary inquiry as to when a bill, brought up in the House by a motion to discharge, could be considered if not finished on the day on which brought up. The Speaker heard Mr. Earl C. Michener, of Michigan, on the inquiry and then stated as follows:

The Chair is interested in the valued comments of the distinguished gentleman from Michigan. Of course, the Chair is unaware of the intent or purpose back of the rule when it was first formulated. All he has to guide him is the rule itself as it appears before him in print. The Chair agrees with the gentleman from Michigan that the House can immediately consider the legislation after the motion to discharge the committee is agreed to, but the rule states "and if unfinished before adjournment of the day on which it is called up, it shall remain the unfinished business until it is fully disposed."

8. 91 CONG. REC. 8610, 8511, 79th Cong. 1st Sess.

9. 94 CONG. REC. 4877, 4878, 80th Cong. 2d Sess.

That provision does not state definitely that the bill must come up on the following day, but that it shall remain the unfinished business. The gentleman's point that the bill could be postponed indefinitely of course is correct, in a sense, but after all the rules are based on common sense, and no one would anticipate that the side that procured enough signatures to a discharge petition to bring a bill before the House would filibuster their own bill.

While the rule perhaps is not quite as definite as it might be, it is the opinion of the Chair that the consideration of the bill could go over until Wednesday if the proponents of the bill do not call it up on tomorrow, and that it would be in order on Wednesday as the unfinished business.

The Chair believes that unless the gentleman from South Carolina [Mr. Rivers] or someone on his side of the issue, calls it up on tomorrow, it can be called up on Wednesday and will be the unfinished business on that day. The Chair also wishes to state that he will not recognize anyone on the affirmative side of this matter unless the gentleman from South Carolina is absent. It is not necessary to call it up on tomorrow and it can be called up on Wednesday, at which time it will be the unfinished business.

The Chair will also remind Members that it is always within the control of the majority of the House to determine what should be done.

§ 1.21 The question as to when the Committee of the Whole will resume the consideration of a bill unfinished

when the Committee rises is for the Speaker and the House to determine, and not for the Chairman of the Committee of the Whole.

On Apr. 26, 1948,⁽¹⁰⁾ Chairman Leslie C. Arends, of Illinois, answered a parliamentary inquiry as follows in the Committee of the Whole:

MR. AUGUST H. ANDRESEN [of Minnesota]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. AUGUST H. ANDRESEN: Mr. Chairman, I understand that the Committee will rise at 4 o'clock. It is also my understanding of the rules that this Committee should meet tomorrow in order to have continuous consideration of the pending legislation.

I would like to have a ruling of the Chair as to whether or not the rules provide that a day may intervene so that this legislation may be taken up on Wednesday.

THE CHAIRMAN: The Chair may say that is a matter for the Speaker of the House and the House itself to determine. It is not something within the jurisdiction of the Chair to decide.

Role of Committee in Scheduling Legislation

§ 1.22 The Speaker declined to recognize the chairman of one committee for a unani-

10. 94 CONG. REC. 4873, 4874, 80th Cong. 21 Sess.

mous-consent request to rerefer a bill until the chairman of the other committee involved was consulted.

On Mar. 25, 1948,⁽¹¹⁾ Edith Nourse Rogers, of Massachusetts, Chairwoman of the Committee on Veterans' Affairs, asked unanimous consent that the committee be discharged from further consideration of the bill and that it be rereferred to the Committee on the Judiciary. Speaker Joseph W. Martin, Jr., of Massachusetts, inquired whether Mrs. Rogers had consulted with the Chairman of the Committee on the Judiciary and Mrs. Rogers responded that she had not. The Speaker declined to recognize her for the request, stating that, "it is customary to consult with the chairman of the committee to whom the bill is to be referred." He indicated that the matter could again be brought up on the following week.

§ 1.23 The Speaker declined to recognize a Member for a unanimous-consent request to take a bill from the Speaker's table and concur in the Senate amendments where such a request was made without the authorization of the chairman of the com-

11. 94 CONG. REC. 3673, 80th Cong. 2d Sess.

mittee involved and where Members had been informed there would be no further legislative business for the day.

On July 31, 1969,⁽¹²⁾ Mr. Hale Boggs, of Louisiana, sought recognition to ask unanimous consent to take from the Speaker's table a bill (H.R. 9951) providing for the collection of federal unemployment tax, with Senate amendments thereto, and concur in the Senate amendments. Speaker John W. McCormack, of Massachusetts, declined to recognize for that purpose:

THE SPEAKER: The Chair will state that at this time the Chair does not recognize the gentleman from Louisiana for that purpose.

The chairman of the Committee on Ways and Means is at present appearing before the Committee on Rules seeking a rule and Members have been told that there would be no further business tonight.

The Chair does not want to enter into an argument with any Member, particularly the distinguished gentleman from Louisiana whom I admire very much. But the Chair has stated that the Chair does not recognize the gentleman for that purpose.

MR. BOGGS: Mr. Speaker, the gentleman from Louisiana equally admires the gentleman in the chair. I thoroughly understand the position of the distinguished Speaker.⁽¹³⁾

12. 115 CONG. REC. 21691, 91st Cong. 1st Sess.

13. See also 106 CONG. REC. 18920, 86th Cong. 2d Sess., Sept. 1, 1960, for a

§ 1.24 Unfinished business in the Committee of the Whole does not come up automatically when that class of business is again in order, but may be called up by a Member in charge of the legislation (by a motion to resolve into the Committee of the Whole for the further consideration of the measure).

On May 9, 1932,⁽¹⁴⁾ Speaker John N. Garner, of Texas, answered a parliamentary inquiry on the order of business on District of Columbia Monday:

MRS. [MARY T.] NORTON [of New Jersey]: Mr. Speaker, I ask unanimous consent to call up concurrent resolution (S. Con. Res. 27), and yield five minutes to the gentleman from Ohio, Mr. Harlan, to offer an amendment thereto.

MR. [WILLIAM H.] STAFFORD [of Wisconsin]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. STAFFORD: Mr. Speaker, on the last day given over to District business, House Joint Resolution 154, pro-

statement by the Speaker that only the chairman of the committee with jurisdiction would be recognized to ask unanimous consent to take a bill from the table, disagree to the Senate amendment, and ask for a conference.

14. 75 CONG. REC. 9836, 72d Cong. 1st Sess.

viding for a merger of the street-railway systems in the District of Columbia, was the unfinished business. As this joint resolution was the unfinished business when the District Committee last had the call, is it not the unfinished business when the House resumes consideration of District business?

THE SPEAKER: The Chair thinks not, because a motion to consider it is necessary. Wherever a motion is required, the unfinished business has no precedence over any other business.

Parliamentarian's Note: House Joint Resolution 154 had last been under consideration on District Monday, Apr. 25, 1932, in Committee of the Whole; the Committee of the Whole had come to no conclusion thereon.

§ 1.25 The adoption of a resolution making in order the consideration of a bill does not necessarily make the bill the unfinished business the next day, and the bill can only be called up by a Member designated by the committee to do so.

On July 19, 1939,⁽¹⁵⁾ the House adopted a resolution from the Committee on Rules making in order the consideration of a bill. Speaker William B. Bankhead, of Alabama, answered a parliamentary inquiry on the status of the

15. 84 CONG. REC. 9541, 76th Cong. 1st Sess.

bill thereby made in order as unfinished business:

MR. [CLAUDE V.] PARSONS [of Illinois]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. PARSONS: Mr. Speaker, the House having adopted the rule, is not this bill the unfinished business of the House on tomorrow?

THE SPEAKER: Not necessarily. The rule adopted by the House makes the bill in order for consideration, but it is not necessarily the unfinished business. It can only come up, after the adoption of the rule, by being called up by the gentleman in charge of the bill.

§ 2. Prayer, Approval of Journal, and Business on the Speaker's Table

Rule XXIV clause 1⁽¹⁶⁾ provides for the order of business when the House convenes:

1. The daily order of business shall be as follows:

First. Prayer by the Chaplain.

Second. Reading and approval of the Journal.

Third. Correction of reference of public bills.

Fourth. Disposal of business on the Speaker's table.

Fifth. Unfinished business.

Sixth. The morning hour for the consideration of bills called up by committees.

Seventh. Motions to go into Committee of the Whole House on the State of the Union.

Eighth. Orders of the day.

Similarly, Rule XXIV clause 2⁽¹⁷⁾ provides for the disposition of business on the Speaker's table:

2. Business on the Speaker's table shall be disposed of as follows:

Messages from the President shall be referred to the appropriate committees without debate. Reports and communications from heads of departments, and other communications addressed to the House, and bills, resolutions, and messages from the Senate may be referred to the appropriate committees in the same manner and with the same right of correction as public bills presented by Members; but House bills with Senate amendments which do not require consideration in a Committee of the Whole may be at once disposed of as the House may determine, as may also Senate bills substantially the same as House bills already favorably reported by a committee of the House, and not required to be considered in Committee of the Whole, be disposed of in the same manner on motion directed to be made by such committee.

No business is in order before the prayer, which is offered daily when the House meets, and a point of order of no quorum is not entertained before the prayer.⁽¹⁸⁾

The next order of business is the approval of the Journal. Prior

16. *House Rules and Manual* §878 (1979).

17. *House Rules and Manual* §882 (1979).

18. See §§ 2.1–2.3, *infra*.